

Notice of Allowability

Application No.

10/030,718

Applicant(s)

DIEDERICH ET AL.

Examiner

Hector M Reyes

Art Unit

1625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

If claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

- ☒ This communication is responsive to 1/15/04.
- ☒ The allowed claim(s) is/are 1, 3-9, 12, 15, 17-19, renumbered as claims 1 to 13.
- ☐ The drawings filed on _____ are accepted by the Examiner.
- ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

(a) ☐ The translation of the foreign language provisional application has been received.

☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE**

☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.

(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached

1) ☐ hereto or 2) ☐ to Paper No. _____.

(b) ☐ including changes required by the proposed drawing correction filed _____, which has been approved by the Examiner.

(c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the margin according to 37 CFR 1.121(d).

☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

☒ Notice of References Cited (PTO-892)

☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No. _____

☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

5 ☐ Notice of Informal Patent Application (PTO-152)

6 ☐ Interview Summary (PTO-413), Paper No. _____.

7 ☐ Examiner's Amendment/Comment

8 ☒ Examiner's Statement of Reasons for Allowance

9 ☐ Other

DETAILED ACTION

Paper Entry

Examiner acknowledges Applicant's Response and Supplemental Response, filed on November 17, 2003 and January 15, 2004, respectively.

Status of the Claims

Claims 1, 4, 5, 6, 9, 12, 15, and 19 have been amended. Claims 2, 10, 11, 13, 14 and 16 have been canceled. Currently, claims 1, 3-9, 12, 15, 17-19 are under Examination. The Examiner hereby renumbered the said active claims as claims 1 to 13.

Allowance

The following is an examiner's statement of reasons for allowance.

Applicants claim:

- In renumbered claims 6-8, 9-10 a series of compounds having the Formulas (A), (B) and (C).
- In renumbered claims 1-5, 11-13, processes comprising the claimed compounds.

No prior art disclosing or suggesting the instant invention was found. The closest art relevant to Applicant's instant invention was found in Christensen IV, US patents 5552438 and 5602157. The cited references disclose benzene derivatives useful in the inhibition of Tumor Necrosis Factor. Nonetheless, compounds disclosed in the cited references do not embrace or suggest the compounds in the instant Application because the chemical structures are significantly different.

CONCLUSION

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."


All post-Allowance Correspondence concerning this Application must be mailed to:

**BOX ISSUE FEE
COMMISSIONER FOR PATENTS
WASHINGTON, DC 20231**

Or you can fax them to the Office of Patent Publications at 703-308-5083, in order to expedite the handling of such correspondence as amendments under 37 CFR 1.312; information disclosure statements, and formal drawings. Sending Post-Allowance papers to Technology Center 1600 will only cause delays in matching papers with the case.

For information concerning status of correspondence sent after receipt of the Notice of Allowance, please contact the Correspondence Branch at (703) 305-8027.

**Héctor M. Reyes, PhD JD
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AU 1625
January 15, 2004**


**PAUL J. KILLOS
PRIMARY EXAMINER**